

AMENDED IN ASSEMBLY MAY 26, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Margett

February 25, 2000

An act to add Sections 241.9 and 243.9 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as amended, Margett. Crimes: assault and battery: state *and local* public safety officials.

Existing law generally defines the offenses of assault and battery, and further defines specific offenses where the assault or battery is directed against specified persons including peace officers, firefighters, and emergency medical technicians, among others.

This bill would, in addition, create the offense of assault against a state *or local* public safety official, as defined, and the offense of battery upon a state *or local* public safety official, as defined.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 241.9 is added to the Penal Code,
2 to read:

3 241.9. (a) When an assault is committed against a
4 ~~state public safety official and serious bodily injury is~~
5 ~~inflicted~~ *state or local public safety official with the intent*
6 *to inflict serious bodily injury* upon the person while
7 engaged in the performance of his or her duties, or in
8 retaliation for an act performed in the course of his or her
9 duties, and the person committing the offense knows or
10 reasonably should know that the victim is a *state or local*
11 *public safety official*, the assault is punishable by
12 imprisonment in a county jail not exceeding one year, or
13 by a fine not exceeding two thousand dollars (\$2,000) or
14 by both the imprisonment and fine.

15 (b) For purposes of this section, the following
16 definitions apply:

17 (1) "Assault" as defined in Section 240.

18 (2) "State *or local* public safety official" means any
19 regular employee of a *state or local* agency vested with
20 enforcement authority for health, safety, and welfare
21 requirements, and whose primary duties include
22 enforcement of state codes and regulations, and who is
23 not a person described in Chapter 4.5 (commencing with
24 Section 830) of Title 3 of Part 2, and who is vested with
25 authority to issue criminal citations and to file formal civil
26 and criminal complaints.

27 (3) "Serious bodily injury" as defined in paragraph (4)
28 of subdivision (f) of Section 243.

29 SEC. 2. Section 243.9 is added to the Penal Code, to
30 read:

31 243.9. (a) When a battery is committed against a
32 *state or local* public safety official and injury is inflicted
33 upon the person while engaged in the performance of his
34 or her duties, or in retaliation for an act performed in the
35 course of his or her duties, and the person committing the

1 offense knows or reasonably should know that the victim
2 is a state *or local* public safety official, the assault is
3 punishable by imprisonment in a county jail not
4 exceeding one year, or imprisonment in the state prison
5 for a term of 16 months, or two or three years, or by a fine
6 not exceeding two thousand dollars (\$2,000) or by both
7 imprisonment and the fine.

8 (b) For purposes of this section, the following
9 definitions apply:

10 (1) “Battery” as defined Section 242.

11 (2) “State *or local* public safety official” means any
12 regular employee of a state *or local* agency vested with
13 enforcement authority for health, safety, and welfare
14 requirements, and whose primary duties include
15 enforcement of state codes and regulations, and who is
16 not a person described in Chapter 4.5 (commencing with
17 Section 830) of Title 3 of Part 2, and who is vested with
18 authority to issue criminal citations and to file formal civil
19 and criminal complaints.

20 (3) “Injury” means any physical injury that requires
21 professional medical treatment.

22 SEC. 3. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because the only costs that may be incurred
25 by a local agency or school district will be incurred
26 because this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition
30 of a crime within the meaning of Section 6 of Article
31 XIII B of the California Constitution.